IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9226 of 2005

To

SPECIAL CIVIL APPLICATION No. 9230 of 2005
with

SPECIAL CIVIL APPLICATION NO.9654 of 2005

to

SPECIAL CIVIL APPLICATION NO 9658 of 2005
with
SPECIAL CIVIL APPLICATIONS NO. 9631 &9632 of 2005
with
SPECIAL CIVIL APPLICATION NO. 9661 of 2005

For Approval and Signature:

THE HON'BLE MR.JUSTICE KSHITIJ R.VYAS
THE HON'BLE MR.JUSTICE AKSHAY H.MEHTA

==========

1	Whether Reporters of Local Papers may be allowed to see the judgement ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copyu of the judgement ?
4	Whether this case involves a substantial question of law as to the interpretation of the constituition of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

==========

ASHWAIN BABULAL PANARA - Petitioner(s)

Versus

DHRANGADHRA NAGAR PALIKA - Respondent(s)

==========

Appearance :

Special C.A. No.9226 to 9230, &9661 of 2005

MR Harin P Raval for Mr ASHISH H SHAH for Petitioner No(s).:
Special C.A. No.9654 to 9658, 9631,9632 &9661 of 2005
Mr P S Champaneri for petitioners
Mr U Trivedi, for respondents in all matters
Mr H L Jani, AGP for for respondent no.2.3,4 &5
Special C.A. No.9654 to 9658/2005
Mr B D Karia, for respondent no.2
==========

CORAM : HON'BLE MR.JUSTICE KSHITIJ R.VYAS

HON'BLE MR.JUSTICE AKSHAY H.MEHTA

Date : 17/06/2005

ORAL (COMMON) JUDGMENT

(Per : HON'BLE MR.JUSTICE AKSHAY H.MEHTA)

Amendment granted.

Rule. Mr U A Trivedi, learned Advocate waives service of notice of rule on behalf of the respective respondents. Mr H L Jani, learned AGP waives service of notice of rule on behalf of respondents no.2, 3, 4 and 5.

In this group of petitions, the petitioners have challenged notice requiring them to remove their cabins from the place on which they at present exist and the petitioners carry on their business and to clear the land so as to enable the municipality i.e. Respondent no.1 to widen the **road** and tackle the problems of increasing traffic. In the notice it has also been stated that the petitioners are in unauthorised occupation of the said land which is known as Ravli land.

1.It is averred by the petitioners that they are not encroachers on this land. They have been inducted on this land almost 40 years back as tenants for which contracts have been executed at the end of the period of every 10 years. It is averred that if at all respondent no.1 desired to evict them from the said land, it was required to follow provisions under the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972. It is their plea that the petitioners cannot be deprived of their rightful occupation of the land in question by issuing such notice.

[Akshay H Mehta, J.]

msp